

House Amendment 1314

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1 1 Amend House File 486 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. Section 162.2, Code 2009, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 8A. "Department" means the
1 7 department of agriculture and land stewardship.
1 8 Sec. 2. Section 162.11, subsection 2, Code 2009,
1 9 is amended to read as follows:
1 10 2. The department may regulate a person who
1 11 applies for or has been issued a certificate of
1 12 registration may be denied or revoked if the person no
1 13 longer possesses a current and valid federal license.
1 14 Other than obtaining the certificate of registration
1 15 from the secretary, any as a dealer, or commercial
1 16 breeder, and any person who operates a commercial
1 17 kennel, or public auction shall not be subject to
1 18 further regulation under the provisions of this
1 19 chapter only as provided in section 162.12.
1 20 Sec. 3. Section 162.12, Code 2009, is amended to
1 21 read as follows:
1 22 162.12 DENIAL OR REVOCATION OF CERTIFICATE OF
1 23 REGISTRATION OR LICENSE OR REGISTRATION.
1 24 1. A This subsection applies to a person who
1 25 applies to the department for a certificate of
1 26 registration may be denied to any or has been issued a
1 27 certificate of registration as a pound, or animal
1 28 shelter, or research facility, and to a person who
1 29 applies for a license or certificate of registration
1 30 may be denied to any has been issued a license as a
1 31 public auction, boarding kennel, commercial kennel,
1 32 research facility, pet shop, commercial breeder, or
1 33 dealer, or an existing certificate or license may be
1 34 revoked by the secretary if, after public hearing, it
1 35 is determined. The department may deny the person's
1 36 application or revoke the person's certificate of
1 37 registration or license, if the department determines
1 38 that the housing facilities or primary enclosures are
1 39 inadequate under this chapter or if the feeding,
1 40 watering, cleaning, and housing practices at the
1 41 pound, animal shelter, public auction, pet shop,
1 42 boarding kennel, commercial kennel, research facility,
1 43 or those practices by the commercial breeder or
1 44 dealer, are not in compliance with this chapter or
1 45 with the rules adopted pursuant to this chapter. The
1 46 premises of each licensee or certificate holder such
1 47 person shall be open for inspection during normal
1 48 business hours.
1 49 2. This subsection applies to a person who applies
1 50 to the department for a certificate of registration or
2 1 has been issued a certificate of registration by the
2 2 department as a commercial kennel, public auction,
2 3 dealer, or commercial breeder, because the person has
2 4 been issued a federal license. The department may
2 5 deny the person's application or revoke the person's
2 6 certificate of registration upon any of the following:
2 7 a. The person's violation of a requirement in
2 8 subsection 1 that directly relates to providing for
2 9 the health and welfare of an animal. A person does
2 10 not violate subsection 1, including a rule adopted
2 11 pursuant to this chapter, by failing to comply with an
2 12 administrative requirement including but not limited
2 13 to recordkeeping, that is imposed upon persons issued
2 14 a certificate of registration or license pursuant to
2 15 subsection 1.
2 16 b. The person's failure to retain the federal
2 17 license.
2 18 3. A person whose application for a certificate of
2 19 registration or license has been disapproved by the
2 20 department under this section or a person whose
2 21 certificate of registration or license has been
2 22 revoked under this section may contest the
2 23 department's action pursuant to an evidentiary hearing
2 24 as provided in chapter 17A.

2 25 Sec. 4. NEW SECTION. 162.17 CARE OF COMPANION
2 26 ANIMALS TRUST FUND.
2 27 A care of companion animals trust fund is created
2 28 in the state treasury under the authority of the
2 29 department.
2 30 1. The fund shall include moneys appropriated to
2 31 the fund from the general fund and any other moneys
2 32 available to and obtained or accepted by the
2 33 department from the federal government or private
2 34 sources for deposit in the fund.
2 35 2. Moneys in the fund are appropriated to the
2 36 department exclusively to pay the expenses of the
2 37 department in administering and enforcing this chapter
2 38 as necessary to ensure that persons who have been
2 39 issued certificates of registration or licenses by the
2 40 department comply with this chapter's requirements,
2 41 including rules adopted by the department.
2 42 3. The fund shall be separate from the general
2 43 fund of the state and shall not be considered part of
2 44 the general fund of the state. Notwithstanding
2 45 section 8.33, any unexpended balance in the fund at
2 46 the end of each fiscal year shall be retained in the
2 47 fund. Notwithstanding section 12C.7, any interest and
2 48 earnings on investments from money in the fund shall
2 49 be credited to the fund.
2 50 Sec. 5. CONTINGENT IMPLEMENTATION. The provisions
3 1 of this Act amending sections 162.11 and 162.12 shall
3 2 be implemented by the department of agriculture and
3 3 land stewardship only when the balance in the care of
3 4 companion animals trust fund created in section
3 5 162.17, as enacted in this Act, first has a balance of
3 6 one hundred fifty thousand dollars. Until that time
3 7 the provisions of sections 162.11 and 162.12 shall be
3 8 administered and enforced in the same manner as if
3 9 this Act had not been enacted. Within fifteen days
3 10 after the fund first has a balance of one hundred
3 11 fifty thousand dollars, the secretary of agriculture
3 12 shall publish a notice that sections 162.11 and
3 13 162.12, as amended by this Act, are being implemented
3 14 in the Iowa administrative bulletin. The secretary of
3 15 agriculture shall notify the Code editor of such
3 16 implementation during the same period.>
3 17 #2. Title page, line 3, by inserting after the
3 18 word <stewardship> the following: <, and providing
3 19 for contingent implementation>.
3 20 #3. By renumbering as necessary.
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3 24 _____
3 24 KUHN of Floyd
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3 28 _____
3 28 LYKAM of Scott
3 29 HF 486.1
3 30 da/cm/25